

# Agenda Item Form

Agenda Date: March 16, 2004

Districts Affected: All

Dept. Head/Contact Information: Emma Acosta 621-6719

## Type of Agenda Item:

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Resolution                                | <input type="checkbox"/> Staffing Table Changes   | <input type="checkbox"/> Board Appointments        |
| <input type="checkbox"/> Tax Installment Agreements                | <input type="checkbox"/> Tax Refunds              | <input type="checkbox"/> Donations                 |
| <input checked="" type="checkbox"/> RFP/BID/Best Value Procurement | <input type="checkbox"/> Budget Transfer          | <input type="checkbox"/> Item Placed by Citizen    |
| <input type="checkbox"/> Application for Facility Use              | <input type="checkbox"/> Bldg. Permits/Inspection | <input type="checkbox"/> Introduction of Ordinance |
| <input type="checkbox"/> Interlocal Agreements                     | <input type="checkbox"/> Contract/Lease Agreement | <input type="checkbox"/> Grant Application         |
| <input type="checkbox"/> Other _____                               |   |  |

## Funding Source:

- ☐ General Fund
- ☐ Grant (duration of funds: \_\_\_\_\_ Months)

☒ Other Source: **Revenue Bond**

## Legal:

- ☐ Legal Review Required    Attorney Assigned (please scroll down): None    ☐ Approved    ☐ Denied

Timeline Priority: ☒ High    ☐ Medium    ☐ Low    # of days: \_\_\_\_\_

## Why is this item necessary?

The construction of a state permitted cell/area to dispose of waste for the city of El Paso residents, including surrounding areas within the Clint landfill, is necessary to ensure the health and safety of the population.

## Explain Costs, including ongoing maintenance and operating expenditures, or Cost Savings:

Costs include construction as mandated by the Texas Commission of Environmental Quality (TCEQ), all earth movement, lining of the cell, and approval by TCEQ.

## Statutory or Citizen Concerns:

It is a State mandate to dispose of waste according to all local, State, and Federal laws, regulations, and guidelines. The Clint landfill is used for disposal of waste for all waste generated by the City of El Paso residents as well as surrounding communities, who pay for the disposal of waste, however have no other disposal facility in the area.

## Departmental Concerns:

The City will not have a state approved disposal site if construction is delayed. Residents in the landfill proximity will not have a disposal site for solid waste and thus the city will lose revenue.

DATE: March 4, 2004

TO: Municipal Clerk

THRU: Byron E. Johnson, C.P.M.  
Director of Purchasing - X4313

FROM: Isabel F. Portillo  
Bid Clerk ext. 4038

Please place the following item on the **CONSENT** agenda for the Council Meeting of **MARCH 16, 2004:**

Bid No.	2004-074	Clint Landfill Phase I, Cells 1 and 2
Contractor:	J. D. Abrams, LP	
	Austin, TX	
Department:	Solid Waste Management	
Funds Available:	31260001/PPWEA03019/60636/508027	
Funding Source:	Revenue Bond	
Items:	Base Bid I	\$2,870,450.00
	Base Bid IA	\$ 3,300.00
	Base Bid II	\$ 46,000.00
	Base Bid III	\$ 47,000.00
Total Award:	\$2,966,750.00	
Districts:	Citywide	

CITY OF EL PASO  
SOLID WASTE MANAGEMENT  
MARCH 11 PM 1:19

**Recommendation:**

The Departments of Purchasing, Engineering, and Solid Waste Management recommend the award of this contract to J. D. Abrams, LP, the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

**1. Lump Sum Component**

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

**2. Unit Price Component**

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

Contact person: Jay M. Henson, Contract Compliance Specialist at 541-4907.

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**AGENDA FOR: MARCH 16, 2004**

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**CONSTRUCTION PROJECT FORM**  
**Lump Sum / Unit Price**

DATE: March 4, 2004  
PROJECT: Clint Landfill Phase I, Cells 1 and 2  
BID NO: 2004-074  
ACCOUNT NO: 31260001/60636/PPWFA03019/50827  
FUNDING SOURCE: Revenue Bond  
DEPARTMENT: Solid Waste Management  
REPRESENTATIVE DISTRICT(S): All

AGENDA DATE: March 16, 2004

Lowest responsive and responsible bidder  
CONTRACTOR: J. D. Abrams, L. P.  
AMOUNT: \$2,966,750.00

**RECOMMENDATION:**

The Departments of Purchasing, Engineering, and Solid Waste Management recommend the award of this contract to J. D. Abrams, L. P., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

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**2. Unit Price Component**

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

**DESCRIPTION OR EXPLANATION:**

Base Bid I	\$2,870,450.00
Base Bid IA	\$3,300.00
Base Bid II	\$46,000.00
Base Bid III	\$47,000.00

**TOTAL RECOMMENDED AWARD: \$2,966,750.00**

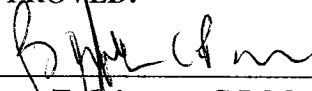
**TIME FOR COMPLETION:** 120 Consecutive Calendar Days

**LIQUIDATED DAMAGES:** \$2,000.00/Consecutive Calendar Day

**FUNDS:** Available Yes Not Available \_\_\_\_\_ Comptroller \_\_\_\_\_

**BOARD:** Approved \_\_\_\_\_ Rejected \_\_\_\_\_ City Clerk \_\_\_\_\_ Date \_\_\_\_\_

**APPROVED:**

  
\_\_\_\_\_  
Byron E. Johnson, C.P.M.  
Director of Purchasing

## **SCOPE OF WORK**

### **CLINT LANDFILL PHASE I, CELLS 1 AND 2 BID NO. 2004-074**

#### **BASE BID I**

The work at the Clint Landfill will consist of approximately 720,000 cubic yards of excavation and construction of an approximately 22-acre municipal landfill waste sector and associated features. The excavation will be lined with a prepared subgrade, compacted as required, Geosynthetic clay liner, a 60-mil HDPE flexible membrane liner, Geonet/Geotextile Drainage composite, and 2-feet of soil protective cover. The landfill sector will include a new Leachate Collection System as shown on plans. New landfill markers will be included as indicated on the plans. Other work elements include a new stormwater detention basin, drainage swale, berms, all weather access road and ramp. Work also includes gas monitoring probe and groundwater monitoring well, as shown in this specification. All the work shall be completed within one hundred and twenty (120) days.

The normal hours of operation for the landfill are from 7:00 a.m. to 5:00 p.m. seven (7) days a week. The Contractor will be allowed to work beyond the landfill normal working hours of operation. The Contractor will be responsible for securing the landfill premises when doing so. The cost of providing such security shall be included in the contract price.

#### **BASE BID I-A (TRENCH SAFETY SYSTEM)**

This work consists of trench safety as related to the storm sewer system. Included, but not limited to, are other incidentals, subsidiary work, and clean up of the entire work area, all of which shall be completed. All costs shall be included in the bid proposal form. All the work shall be completed within one hundred and twenty (120) consecutive calendar days.

SCOPE OF WORK, cont.

CLINT LANDFILL PHASE I, CELLS 1 AND 2  
BID NO. 2004-074

*The Contractor may begin work immediately after receipt of the City of El Paso's written Notice to Proceed. The work of the Contractor shall be fully coordinated with that of El Paso Building and Planning Services Department and El Paso Solid Waste Department.*

**BASE BID II**

The Contractor will provide a turn-key video surveillance system consisting of cameras, solar panels, portable power supplies, wireless broadband radio frequency data transmission equipment, data transmission wiring, a networked video recorder system, file servers and other system associated equipment. All the work shall be completed within one hundred and twenty (120) consecutive calendar days.

**BASE BID III**

The Contractor will provide a complete Global Positioning System (GPS) described in the project technical specifications. Included as part of this bid, will be training session(s) to be set up in coordination with the City of El Paso Solid Waste Management Section. All the work shall be completed within one hundred and twenty (120) consecutive calendar days.

**ALTERNATE I**

Perform all of the work related to the Base Bids I, I-A, II and III within a construction period of ninety- (90) consecutive calendar days instead of one hundred and twenty (120) consecutive calendar days.

# CITY OF EL PASO BID TABULATION

BID TITLE: CLINT LANDFILL PHASE I CELL 1 AND 2  
 BID DATE: FEBRUARY 11, 2004

BID #: 2004-074  
 DEPART: SOLID WASTE

	DAN WILLIAMS CO. EL PASO, TEXAS	J. D. ABRAMS AUSTIN, TEXAS	KIRKLAND CONSTRUCTION RYE, CO.	ROMERO EXCAVATING AND TRUCKING, INC. ALBUQUERQUE, NM	SILVERTON CONSTRUCTION, CO. EL PASO, TEXAS
DESCRIPTION	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL
BASE BID I	\$2,978,000.00	\$2,870,450.00	\$3,168,340.00	\$2,960,739.00	\$3,248,452.00
BASE BID I-A LF 330	\$1.00 \$330.00	\$10.00 \$3,300.00	\$1.00 \$330.00	10.99 \$3,626.70	\$1.50 \$495.00
SUM TOTAL OF BASE BID I AND BASE BID I-A	\$2,978,330.00	\$2,873,750.00	\$3,168,670.00	\$2,964,365.70	\$3,248,947.00
BASE BID II	\$100,000.00	\$46,000.00	\$60,000.00	\$68,287.00	\$106,000.00
BASE BID III	\$73,000.00	\$47,000.00	\$47,000.00	\$64,359.00	\$80,000.00
SUM TOTAL OF BASE BID I AND BASE BID I-A, BASE II AND BASE III	\$3,151,330.00	\$2,966,750.00	\$3,275,670.00	\$3,097,011.70	\$3,434,947.00
ALTERNATE #1	\$60,000.00	\$2,906,750.00	\$3,425,670.00	\$100,000.00	\$103,000.00
BID BOND SUBMITTED	YES	YES	YES	YES	YES
AMENDMENTS KNOWLEDGE	YES	YES	YES	YES	YES

Approved by: AO

2004-074 CLINT LANDFILL PHASE I, CELLS 1 AND 2

PROPOSAL

TO THE HONORABLE MAYOR AND CITY COUNCIL  
CITY OF EL PASO  
EL PASO, TEXAS

GENTLEMEN:

The undersigned having familiarized themselves with the local conditions affecting the cost of work and with the Contract documents consisting of Invitation for Competitive Sealed Proposals, Information for Bidders, General Conditions, the Contractor's Proposal, Special Bid Conditions, Applicable Wage Rates, the Contract Form, plans, specifications, drawings, and addenda on file in the office of the Purchasing Department of the City of El Paso, hereby propose to perform everything required to be performed and to provide, furnish and install all the labor, materials, necessary tools, expendable equipment, and all utility and transportation services, and to complete in a workmanlike manner all the work required for the:

CLINT LANDFILL PHASE I, CELLS 1 AND 2

BID NO. 2004-074

within the specified limits and in accordance with the plans and specifications as prepared for the City of El Paso, including Addenda Number(s) 1, 2, AT THE FOLLOWING LUMP SUM(S)/UNIT PRICES (Additive alternate items are given on the following pages):

BASE BID I (Excavation and construction of approximately 720,000 cubic yards of excavation and construction of an approximately 22-acre municipal landfill waste sector and associated features):

The undersigned agrees to perform all of the work required for the total amount of:

\$ 2,870,450<sup>00</sup>

BASE BID I-A (Trench Safety System):

The undersigned agrees to perform all the work required for a Trench Safety System of approximately 330 linear feet at a unit price of \$ 10<sup>00</sup> for a total amount of:

\$ 3,300<sup>00</sup>

Sum Total of Base Bid I and Base Bid I-A:

\$ 2,873,750<sup>00</sup>

COMPANY NAME: J. D. ABRAMS, L.P.

BIDDER'S SIGNATURE: [Signature]

BIDDER'S NAME: JON F. ABRAMS

Bidder's Name must be typed or printed

I-C-1

PROPOSAL, *cont.*  
CLINT LANDFILL PHASE I, CELLS 1 AND 2  
BID NO. 2004-074

BASE BID II (Turn-key Video Surveillance System):

The undersigned agrees to perform all of the work required for the total amount of:

\$ 46,000<sup>00</sup>

BASE BID III (Global Positioning System {GPS}):

The undersigned agrees to perform all of the work required for the total amount of:

\$ 47,000<sup>00</sup>

Sum Total of Base Bids I, I-A, II, and III: \$ 2,966,750<sup>00</sup>

ALTERNATE NO. 1 (Perform all of the work related to Base Bid I, Base Bid I-A, Base Bid II, and Base Bid III within a construction period of NINETY (90) consecutive calendar days instead of One Hundred and Twenty (120) consecutive calendar days):

The undersigned agrees to perform all of the work required for the total amount of:

Sum Total of Alternate No. 1: \$ 2,906,750<sup>00</sup>

COMPANY NAME: J. D. ABRAMS, L.P.

BIDDER'S SIGNATURE: [Signature]

BIDDER'S NAME: JON F. ABRAMS

Bidder's Name must be typed or printed



## CONTRACT TIME AND LIQUIDATED DAMAGES

The undersigned Bidder agrees to commence work on a date to be specified in a written Notice to Proceed and to substantially complete the work on which he/she has bid within ONE HUNDRED TWENTY (120) CONSECUTIVE CALENDAR DAYS.

Should ALTERNATE NO. 1 be awarded the undersigned Bidder agrees to commence work on a date to be specified in a written Notice to Proceed and to substantially complete the work on which he/she has bid within NINETY-(90) CONSECUTIVE CALENDAR DAYS.

Bidder agrees to pay as liquidated damages the sum of TWO THOUSAND DOLLARS (\$2000.00) for each consecutive calendar day thereafter as provided in paragraph 6.8 of the General Conditions of the Contract.

## PROPOSAL

Enclosed with this proposal is a certified check or bid bond for five percent (5%) of the TOTAL bid price including base bid(s) and alternate(s) which is agreed shall be collected and retained by the owner(s) as liquidated damages in the event this proposal is accepted by the Owner within forty-five (45) consecutive calendar days after the date advised for the reception of bids and the undersigned fails to execute the contract and the required performance and payment bonds with the Owner within fourteen (14) consecutive calendar days after the date said proposal is accepted; otherwise, the said bid security shall be returned to the undersigned upon demand.

THE UNDERSIGNED BIDDER REPRESENTS TO THE CITY AND TO THE OTHER BIDDERS THAT HIS/HER PROPOSAL, AND THE ESTIMATES ON WHICH IT IS BASED, HAS BEEN CAREFULLY CHECKED AND CONTAINS NO ERRORS, AND NOTHING HAS BEEN OMITTED OR OVERLOOKED IN DETERMINING THE AMOUNTS BID.

BIDDER'S NAME: J. D. ABRAMS, L.P.

BY: [Signature] 2/11/04  
Signature Date

JOHN F. ABRAMS, PRESIDENT 512-322-4000 512-322-4018  
Print Signer's name & title Telephone Fax

111 CONGRESS AVE, SUITE 2400 AUSTIN, TX 78701  
Address City, State, Zip Code

(SAME)  
Physical Address of Business - if different from above City, State, Zip Code

IF THE BIDDER IS A CORPORATION, THE FOLLOWING CERTIFICATE SHOULD BE EXECUTED:

I, \_\_\_\_\_, certify that I am the \_\_\_\_\_ Secretary of the corporation named as Bidder hereinabove; that \_\_\_\_\_, who signed the foregoing contract on behalf of the Bidder, was then \_\_\_\_\_ of said corporation; that said proposal was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

CORPORATE SECRETARY SIGNATURE AND CORPORATE SEAL

MINUTES OF THE SPECIAL MEETING  
OF THE BOARD OF DIRECTORS  
ABRAMS MANAGEMENT COMPANY  
GENERAL PARTNER OF  
J.D. ABRAMS, L.P.

A special meeting of the Board of Directors of ABRAMS MANAGEMENT COMPANY, a Texas corporation, being the General Partner of J.D. ABRAMS, L.P., a Texas Limited Partnership, was held at 10:00 a.m. at the corporate office of ABRAMS MANAGEMENT COMPANY, 111 Congress Ave., Suite 2400, Austin, Texas on January 16, 2003. The following Directors were present:

J.D. Abrams  
J.D. Abrams, Jr.  
Jon F. Abrams  
Jace Abrams – by teleconference

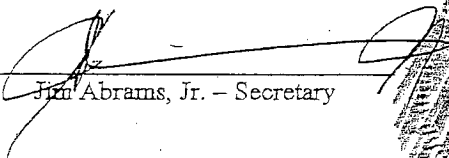
Before commencing the meeting, all Directors waived notice of the meeting and agreed that all actions taken at the meeting would constitute valid actions by and on behalf of the Company.

After discussion, a quorum being present and upon motion made by J.D. Abrams, Jr. and seconded by Jon F. Abrams, the Directors present unanimously voted to adopt the following resolution:

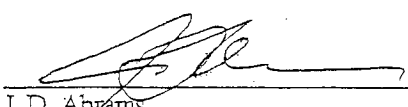
RESOLVED, that the following directors and officers be authorized to sign bid documents, for J.D. Abrams, L.P., including contracts and contract bonds, forms and proposals on behalf of the company to any federal, state, city or private agency.

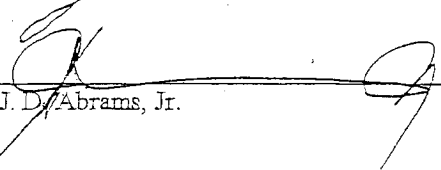
J.D. Abrams  
Jon F. Abrams  
Jim Abrams, Jr.  
Brad Everett  
Charles P. Worrell  
Martin Poduska

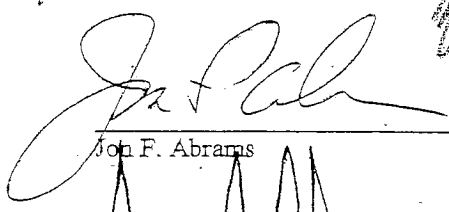
There being no further business, upon motion duly made and seconded, the Directors present unanimously voted to adjourn.

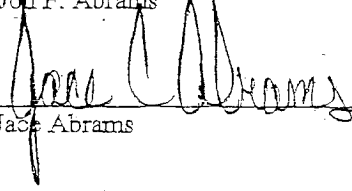
  
Jim Abrams, Jr. – Secretary

Approved:

  
J.D. Abrams

  
J.D. Abrams, Jr.

  
Jon F. Abrams

  
Jace Abrams

JOE WARDY  
MAYOR



Department of Solid Waste Management  
MEMORANDUM

TO: Jay M. Henson, Contract Compliance Specialist  
FROM: Emma Acosta, Director *EA*  
SUBJECT: Bid #: 2004-074  
Clint Landfill Phase I, Cells 1 & 2  
DATE: March 2, 2004

**CITY COUNCIL**

SUSAN AUSTIN  
DISTRICT NO. 1

ROBERT A. CUSHING Jr.  
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO  
DISTRICT NO. 3

JOHN COOK  
DISTRICT NO. 4

DANIEL S. POWER  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

VIVIAN ROJAS  
DISTRICT NO. 7

ANTHONY COBOS  
DISTRICT NO. 8

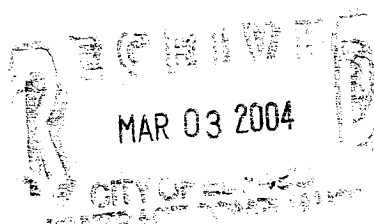
**RECOMMENDATION**

I have reviewed the proposal and find **J.D. Abrams, L.P.**, to be the responsive bidder. I am recommending that the bid be awarded to **J.D. Abrams, L.P.** in an amount not to exceed \$ 2,966,750.00

If you have any questions, please feel free to call me.

/ged

cy: Ziad Al-Dasouqi, Program Manager





# ENGINEERING DEPARTMENT

## DESIGN DIVISION

Memorandum

### RECOMMENDATION

**TO:** Byron Johnson, Purchasing Director

**THRU:** *IR* Irene Ramirez, P.E., Interim City Engineer

**FROM:** Ziad I. Al-Dasouqi, P.E., Civil Engineer IV *ZAD.*

**DATE:** February 23, 2004

**SUBJECT:** Clint Landfill Phase I, Cells 1 and 2  
Bid No. 2004-074 Recommendation

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We have reviewed and analyzed the tabulation of bids on the above subject project. We recommend that the apparent lowest bidder, J.D. Abrams be awarded the contract as follows:

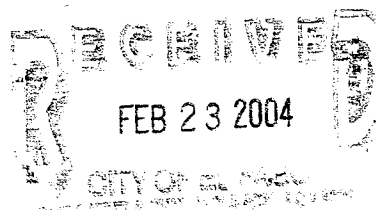
Base Bid I	\$ 2,870,450.00
Base Bid IA	\$ 3,300.00
Base Bid II	\$ 46,000.00
Base Bid III	\$ 47,000.00

Sum Total Value \$2,966,750.00

Sum total for Base Bid I, Base Bid 1A, Base Bid II and Base Bid III is \$2,966,750.00. Alternate no. 1 is \$2,906,750.00 to construct the cell in 120 consecutive calendar days instead of 90. This Alternate is not recommended since the City is in need for the space and the saving is only \$60,000.00.

Also, we concur with the Consultant, Huitt-Zollars attached recommendations.

If you have any questions, I can be reached at 541-4430



February 23, 2004

Mr. Ziad Al-Dasouqui, P.E.  
City of El Paso Engineering Department  
2 Civic Center Plaza  
El Paso, Texas 79901

## RECOMMENDATION

Re: Recommendation of Award  
Clint Landfill, Phase I, Cell 1 and 2  
Bid No. 2004-074

Dear Mr. Al-Dasouqui:

After reviewing the information provided, we concur to award the contract to J.D. Abrams, L.P.

Please note that in the City of El Paso bid tabulation provided three out of the five contractors did not understand the Alternate No. 1 Bid requested and provided extremely low amounts. Another observation was that in the list of sub-contractors, there was not one listed for the Camera System or for the GPS Equipment.

Please let us know if you need additional information.

Sincerely,  
HUITT-ZOLLARS, INC.

  
Jose L. Rodarte, P.E., RPLS  
Project Manager

